

Kerri Carlton  
2705 River Vista Loop  
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March 3, 2025

The Honorable Claudia Ann Wilken  
United States District Court  
Northern District of California  
1301 Clay Street Oakland, CA 94612

Re: Objection to House v. NCAA, Case No. 4:20-cv-3919-CW

Dear Judge Wilken,

This past weekend we watched our son, Wyatt, swim his final race as a University of Tennessee Volunteer *if the roster limits are enacted*, pending the outcome in the House v. NCAA settlement. To say that this has taken an emotional toll on our son and family is an understatement. With tears flowing down his eyes, trying to hide his pain, he hugged his teammates and Tennessee Head Coach, Matt Kredich. My husband and I watched from the stands, feeling helpless and cried silently with him.

Wyatt, our son, is represented as a class member in this case by attorneys Jeffrey Kessler and Mr. Stephen Berman. These two attorneys are supposed to represent his best interest as an athlete yet they have stripped everything from him. Not due to academic probation, not due to poor performance in the pool, not due to any misconduct or breaking team policies. He is being removed from the team based on arbitrary roster limits now imposed due to the pending House Settlement, which is, in its correct theory of action, supposed to protect Wyatt and help him receive fair and equitable financial compensation.

Wyatt is not the only one who we witnessed on deck in turmoil. Many of his closest teammates have also been told they no longer can be on the team based on reduced roster sizes. This is the brutal reality: the lawsuit intended to protect them is causing the greatest harm.

Wyatt, since the day he visited the University of Tennessee, at age 11 with his sister (who also swam for Tennessee) dreamed one day of being a Volunteer and swimming for The University of Tennessee. At age 13, he had a breakout swim that secured him his first Futures Cut, and by 16, he was swimming top times in the country for his 100 and 200 Long Course Butterfly events. This was his dream, not mine, not my husband's, not anyone but Wyatt, who day after day, week after week logged hundreds of hours striving to meet the goal of being recruited by the University of Tennessee.

Junior year began, competing at Junior Nationals and gaining the attention of multiple D3, D2, and D1 Universities, Wyatt got the call he was dreaming of: the University of Tennessee wanted to have Wyatt travel for an unofficial visit and offer a partial scholarship. I remember his expression and excitement as if it happened just moments ago—his goal became reality. No one sees the poster hanging above his bed on the ceiling telling him to train until it hurts, every day, every practice, to achieve his dream. No one sees the exhaustion coming home from practice day after day, waking up at 4:45 a.m. to do it all over again. No one witnessed the “wet suit swimming” in 55 degree lake water, day after day, due to the indoor pool being shut down for close to two years during Covid. But I did. And I told him, keep your eye on the horizon, for that's where dreams are made.

The horizon we saw this weekend, was Wyatt, to the core of who he is, deeply hurting inside and for what purpose? He is two years into his academic program, loves his classes and everything the University stands for, volunteers at local elementary schools to help tutor younger students, and has built a network of connections with several professors for his degree advancement. He is a sophomore in excellent academic standing, a proud Tennessee Volunteer, and a valued teammate and swimmer for the University of Tennessee Swimming and Diving.

As the April 7th deadline approaches, I ask that you think of Wyatt's story, as I believe he represents over 10,000 student athletes at the D1 level who are being cut from their sport. They are being cut due to a Class Action Lawsuit, in which they are constituents of and represented by the attorneys Kessler and Berman, causing harm and stripping away everything they have worked for. The lawyers are set to earn an enormous payout at the end of this settlement agreement, at the expense of dreams shattered and teams across hundreds of campuses decimated.

This letter is not one of entitlement or a letter in which anything is owed. In fact, I would argue that I have raised Wyatt to fight for everything he's earned on his own account. I am, however, asking; please find another way to make this settlement fair and just for all the student athletes represented in this case. Perhaps offering Conferences a way to grandfather in current athletes while the NCAA and schools look for alternative ways to provide fair and adequate compensation for all. Or, eliminating roster limits altogether and find other creative solutions to the House Settlement; the lawyers Kessler and Berman would still be able to receive the payment they are seeking as well as protecting *every athlete* they are representing in this class action lawsuit.

Honorable Judge Wilken, thank you for taking the time to read this letter. For each student-athlete like Wyatt, facing another day with your dream taken away by those representing you in court, feels like betrayal and malpractice in the form of greed. If you want Wyatt to present his objection at the hearing on April 7th, I know he is willing. He has already written to you his official objection to the roster limits as a part of the House Settlement back in January. Other athletes on the Tennessee team would also be willing to come and testify.

Thank you for your consideration and care. I also appreciate and understand the timeline of official objections to this settlement case. I paused on writing this letter until we understood this decision to be official. The coaches informed Wyatt this weekend.

Sincerely,



Kerri Carlton

